

**REMARKS**

**Summary of the Office Action**

In the Office Action, claims 9-12 and 15-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over (US 2003/0028319 A1) Khavakh et al. in view of (US 2002/176695 A1) to Sawabe et al.

Claims 13-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Khavakh et al. in view of Sawabe et al. as applied to claim 9 and further in view of U.S. Patent No. 5,274,560 to LaRue.

Claims 4-6 and 17-22, of which claims 17 and 20 are independent, are allowed.

**Summary of the Response to the Office Action**

Claims 9 and 15 have been amended to more particularly point out and distinctly claim the subject matter which the Applicants regard as embodiments of the invention. Accordingly, claims 4-6 and 9-22 remain presently pending for consideration.

**All Claims Define Allowable Subject Matter under 35 U.S.C. § 103**

Claims 9-12 and 15-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over (US 2003/0028319 A1) Khavakh et al. in view of (US 2002/176695 A1) to Sawabe et al. Claims 13-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Khavakh et al. in view of Sawabe et al. as applied to claim 9 and further in view of U.S. Patent No. 5,274,560 to

LaRue. Claims 9 and 15 have been newly-amended to more particularly point out and distinctly claim the subject matter which the Applicants regard as embodiments of the invention. To the extent that these rejections might be reapplied to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

For example, independent claim 9 has been newly-amended to recite, in combination with other features, “a plurality of recording layers respectively read at different focal points, on each of which ~~wherein~~ navigation information is recorded on each of the plurality of recording layers.” Similarly, independent claim 15 has been newly-amended to recite, in combination with other features, “a plurality of recording layers respectively read at different focal points, in which ~~there are a plurality of areas and on each of which~~ wherein navigation information is recorded on each of the plurality of recording layers.” These amendments are similar to amendments to independent claims 17 and 20 that were implemented in the Amendment filed on June 2, 2004 in this application, which resulted in independent claims 17 and 20 being allowed in the Office Action dated July 2, 2004.

In contrast to the recording layers recited in the present claims, the layers described in Khavakh et al. are not recording layers within a recording medium. More particularly, the layers of Khavakh et al. are not respectively read at different focal points. Khavakh et al. discloses at paragraph [0036] with regard to the block diagram in Figure 3 that layers 0 to n are stored in a database. There is no disclosure in Khavakh et al. that layers of information in a database are respectively read at different focal points. Applicants respectfully assert that the layers

described in Khavakh et al. are merely layers of a ranking system for cataloging roads that have been ranked. Applicants further respectfully assert that there is absolutely no disclosure in Khavakh et al. with regard to recording layers in a recording medium, much less recording layers respectively read at different focal points, as recited in at least newly-amended independent claims 9 and 15.

Moreover, Applicants respectfully assert that the Office Action does not rely on Sawabe et al. to teach or suggest an arrangement of navigation information on the recording layers of a recording medium. Applicants submit that Sawabe et al. discloses an apparatus for reading a DVD but does not disclose where, how, or what type of information is stored on the DVD. Thus, Sawabe et al. does not remedy the deficiencies of Khavakh et al. Also, Applicants respectfully submit that the applied LaRue reference also does not cure the deficiencies of Sawabe et al. and Khavakh et al. For at least these reasons, Applicants respectfully assert that the rejections of claims 9-16 under 35 U.S.C. 103(a) should be withdrawn. The Examiner is thanked for the indication that the remaining claims 4-6 and 17-22 are allowed.

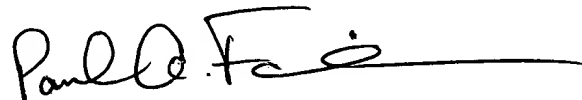
### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:   
Paul A. Fournier  
Reg. No. 41,023

Dated: September 30, 2004

Customer No.: 009629

**MORGAN, LEWIS & BOCKIUS LLP**

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: 202-739-7000

Facsimile: 202-739-3001